

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA AIKEN
DIVISION**

STATE OF SOUTH CAROLINA)	
)	
SOUTH CAROLINA DEPARTMENT OF)	
HEALTH AND ENVIRONMENTAL CONTROL)	
and)	
SAVANNAH RIVER MARITIME)	
COMMISSION)	
and)	C/A No. <u>1:19-cv-3132-RMG</u>
)	
AUGUSTA, GEORGIA)	
)	
Plaintiff-Intervenor Applicant)	
)	
v.)	
)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS;)	
)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS, SAVANNAH DISTRICT;)	
)	
RYAN MCCARTHY, in his official capacity as)	
Secretary of the Army;)	
)	
LT. GENERAL TODD T. SEMONITE, in his)	
official capacity as Commanding General and)	
Chief of Engineers, U.S. Army Corps of Engineers)	
)	
MAJOR GENERAL DIANA M. HOLLAND, in)	
her official capacity as Commanding General,)	
South Atlantic Division, U.S. Army Corps of)	
Engineers;)	
)	
and)	
)	
COLONEL DANIEL H. HIBNER, in his)	
official capacity as District Engineer, U.S.)	
Army Corps of Engineers, Savannah District,)	
)	
Defendants.)	

AUGUSTA, GEORGIA'S ANSWERS TO LOCAL RULE 26.01 INTERROGATORIES

COMES NOW, Augusta, Georgia ("Augusta"), as proposed intervenor in the above-styled action, and submits these Answers to Local Rule 26.01 Interrogatories as follows:

- (A) State the full name, address and telephone numbers of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

RESPONSE: Augusta is not aware of any person or entity which has a subrogation interest in any claim involved in this litigation.

- (B) As to each claim, state whether it should be tried jury or nonjury and why.

RESPONSE: Each claim will be tried nonjury under the standard of review set forth in the authority in the complaint, the Administrative Procedures Act (APA) 5 U.S.C.A. §§ 500 *et seq.* (APA), and as applied to the Water Infrastructure Improvements for the Nation Act (WIIN Act), Public Law 114-322, 130 Stat. 1703 (Dec. 16, 2016)(WIIN Act), National Environmental Policy Act (NEPA), 42 U.S.C.A. §§ 4321 and the authorities properly before a NEPA review matter, and the Clean Water Act (CWA), 33 U.S.C.A. § 1251 *et seq.*

- (C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

RESPONSE: The party submitting these responses is a governmental entity and is not a publicly owned company.

- (D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). *See* Local Civil Rule 3.01.

RESPONSE: The Aiken Division is the appropriate division under Rule 24(a) of the *Federal Rules of Civil Procedure*

- (E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

RESPONSE: This action is related to and is a request for intervention in State of South Carolina et al. v United States Army Corps of Engineers et al, Civ. 1:19-cv-3132-RMG, filed November 4, 2019.

- (F) [Defendants only.] If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

RESPONSE: No response required.

- (G) [Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

RESPONSE: No response required.

Respectfully submitted this 6th day of December, 2019

BARNWELL, WHALEY, PATTERSON,
AND HELMS, LLC

By: s/ John W. Fletcher

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